

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GUNNAR H. MERTZ,

3:10-CV-00260-AC

Plaintiff,

ORDER

v.

FEMA, Department of Homeland
Security,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#23) on February 14, 2011, in which he recommended the Court grant Defendant's Motion (#12) to Dismiss. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate

Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Plaintiff reiterates the arguments contained in his Response to Defendant's Motion to Dismiss. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#23) and **GRANTS** Defendant's Motion (#12) to Dismiss.

IT IS SO ORDERED.

DATED this 10th day of August, 2011.



ANNA J. BROWN
United States District Judge